THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :18798 OF 2007

DATED:06-09-2007

BETWEEN:

Veluchuri Satyanarayana

..... PETITIONER

AND

The Revenue Divisional Officer,
Rajahmundry,
East Godavari District & another.

.....RESPONDENTS

_
_
_
_
_
_

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in proposing to evict the petitioner from D-form patta land of an extent of Ac.0.37 cents in Sy.No.292 of Srikrishnapatnam village, Rajanagaram mandal, East Godavari District, as illegal and arbitrary.

3. It is the case of the petitioner that an extent of Ac.0.37 cents in Sy.No.292 situated at Srikrishnapatnam village of Rajanagaram mandal, East Godavari District was assigned in favour of the petitioner's father namely V.Subbaiah vide proceedings Ref.No.(B) 313/99, dated 04-07-2000, and the said Subbaiah has been in continuous possession and enjoyment of the said land without following any of the terms and conditions, and he died in 2005. As the assigned lands are inheritable, petitioner is in continuous possession and enjoyment of the same. Whileso, the respondents have been making attempts to interfere with the peaceful possession and enjoyment of the said land without any justification whatsoever and therefore, petitioner made a representation, dated 27-08-2007, to protect the assigned lands in his favour without interfering with his peaceful possession and enjoyment in any manner.

4. Learned Government Pleader appearing for the respondents on instructions submitted that the said assignment was made contrary to the Board standing orders and the said Ac.0.37 cents is a foot path poramboke and therefore, it cannot be assigned.

5. I am not inclined to express any opinion with regard to the rival contentions as even assuming that the said assignment was made contrary to the Board standing orders respondents are required to follow the principles of natural justice. Without following due process of law possession of the petitioner cannot be interfered.

6. Accordingly, Writ Petition is disposed of directing the respondents not to dispossess the petitioner without following due process of law. There shall be no order as to costs.

_____

V.ESWARAIAH,J

06th September, 2007.
Tsy